

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:16 CR 495 CDP
)
 NICHOLAS W. DAVIS,)
)
 Defendant.)

This matter is before the Court on defendant Defendant Nicholas W. Davis' motion to dismiss Count Two of the Indictment asserting that the allegation of his possession of marijuana with the intent to distribute violates his equal protection guarantee [27]. The government has responded to the motion [31]. Defendant has filed a reply to the response [33]. The parties have also filed post-hearing briefs after an evidentiary hearing was held and a transcript of the hearing was prepared [35, 36 and 38].¹

¹ Additionally, defendant Davis has filed *pro se* several self-styled affidavits of truth and facts. (Doc. Nos. 23, 26, 28, 29, 30).

has objected to the recommended dispositions of these motions and the time for doing so has expired.

Based on my review of the record before Judge Collins, I conclude that Judge Collins' reasoning and conclusions are entirely correct. As there are no objections to recommendations, I will adopt and sustain the thorough reasoning of Magistrate Judge Collins and will deny the motions to Dismiss Count Two of the Indictment.

Accordingly,

IT IS HEREBY ORDERED that the Reports and Recommendation of the United States Magistrate Judge [39] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

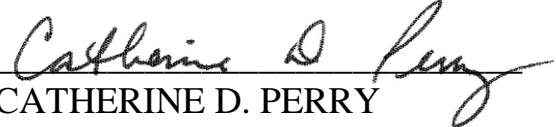
IT IS FURTHER ORDERED that Defendant Nicholas W. Davis' Motion to Dismiss Count Two of the Indictment [27] is **DENIED**.

IT IS FURTHER ORDERED that Defendant Nicholas W. Davis' *pro se* filings, to the extent they could be considered motions [23, 26, 28, 29, 30] are **DENIED**.

IT IS FURTHER ORDERED that the **jury trial** in this matter remains set for **Monday, July 17, 2017 at 8:30 a.m.** in Courtroom 14-South.

IT IS FURTHER ORDERED that a **final pretrial hearing** will be held on

Thursday, June 29, 2017 at 9:30 a.m. in Courtroom 14-South. At that hearing the parties will be expected to discuss the length of the trial and any evidentiary or other issues that may arise during trial, and to make a record of any plea offers that may have been made by the government and rejected by defendant as discussed in *Missouri v. Frye*, 566 U.S. 133, 145-47 (2012).


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of June, 2017.